

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**THE CITY OF HUNTINGTON,
PLAINTIFF,**

V.

CIVIL ACTION NO. 3:17-01362

**AMERISOURCEBERGEN DRUG
CORPORATION, ET AL.,
DEFENDANTS.**

**CABELL COUNTY COMMISSION,
PLAINTIFF,**

V.

CIVIL ACTION NO. 3:17-01665

**AMERISOURCEBERGEN DRUG
CORPORATION, ET AL.,
DEFENDANTS.**

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT CONCERNING
DEFENDANTS' STATUTORY AND REGULATORY DUTIES**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs by their undersigned counsel, respectfully move for partial summary adjudication that the Controlled Substances Act and the West Virginia Controlled Substances Act impose an obligation to maintain effective controls against diversion, and that in order to meet this obligation, distributors of controlled substances must design and operate a system to identify suspicious orders; must report suspicious order to the DEA; and must stop shipment of suspicious orders pending investigation.

In support of this motion, Plaintiffs submit Plaintiffs' Memorandum of Law and accompanying exhibits, which are being filed contemporaneously with this motion.

Dated: September 22, 2020

Respectfully submitted,

THE CITY OF HUNTINGTON

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CERTIFICATE OF SERVICE

I certify that on September 22, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. This filing will also be served on all parties by email to Track2OpioidDefendants@reedsmith.com, MDL2804Discovery@motleyrice.com and CT2_Opioid_Team@mail-list.com.

/s/ Anthony J. Majestro